

ILLINOIS POLLUTION CONTROL BOARD
November 10, 1976

INCINERATOR, INC.,)
)
) Petitioner,)
)
 v.) PCB 76-237
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Zeitlin):

This matter is before the Board on a Petition for Variance filed by Petitioner Incinerator, Inc. (Incinerator) on September 14, 1976. A Recommendation was filed by the Environmental Protection Agency (Agency) on October 27, 1976. No hearing was held.

The only additional matter before the Board in this case is a communication received from a private citizen, Shirley Lawrisuk of Berwyn, Illinois, on October 15, 1976. Mrs. Lawrisuk's letter, although neither timely nor actually objecting to the requested Variance, does complain of an unpleasant odor in the general area of Petitioner Incinerator's plant in Stickney, Illinois. Because Mrs. Lawrisuk did not relate the odor in the area of her home to Incinerator's operations, and because of the nature of the relief requested by Incinerator, our decision in this matter has not been affected by Mrs. Lawrisuk's letter.

Incinerator operates an incinerator facility in Stickney, Illinois, which has been the subject of Board consideration in several previous matters, and will not be described again here. EPA v. Incinerator, Inc., PCB 71-69, 2 PCB 505 (Sept. 30, 1971); People v. Incinerator, Inc. and Incinerator, Inc., v. EPA, PCB 75-236, 75-88 (consolidated), PCB , (June 18, 1976).

In the more recent of those cases, pursuant to a Stipulated Settlement in the Enforcement case, PCB 75-236, the Board granted Incinerator a Variance in PCB 75-88. That Variance allows continued operation of Incinerator's facility pending its conversion to a waste transfer station by October 1, 1976. Subject to certain conditions, Incinerator was allowed in PCB 75-88 to continue refuse burning operations, (limited to domestic garbage or industrial paper waste not to exceed 500 tons per day at 20 percent moisture content).

In the instant case, Incinerator asks that the Variance granted in PCB 75-88 be extended until December 31, 1976. As support for this request, Incinerator notes that a landfill site in the area of its present waste burning facility and proposed waste transfer station is ceasing operations. As a result, Incinerator alleges, its proposed waste transfer station must be increased in size to handle the additional waste load resulting from closure of the nearby landfill.

The Agency's investigation, recounted in its Recommendation, indicates that this is indeed the case. Recommending grant of the Variance, the Agency states that a larger transfer station is needed as a result of events outside of Incinerator's control.

In light of our Order in PCB 75-236 and PCB 75-88 (consolidated), where we found that Incinerator had acted in good faith, we are inclined to agree with the Agency's Recommendation. We shall again grant the requested Variance, because the two month period requested is short, because of the hardship to Incinerator and area residents if the requested Variance is denied, and because of the good faith exhibited by Incinerator in the past.

That Variance grant will be subject to the same conditions as were imposed under PCB 75-88. The same limitations on the amount and origin of the refuse to be burned shall be in effect. We shall also continue in effect the requirement that Incinerator continue operation of the air pollution control devices already installed, (see, Opinion and Order of June 18, 1976, Opinion at 2, 3), at its incinerator facility.


This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that Petitioner Incinerator, Inc. be granted a Variance from Rule 203(c)(2) of Chapter 2: Air Pollution, of this Board's Rules and Regulations, from October 1, 1976 until December 31, 1976, subject to all conditions imposed in PCB 75-88 (June 18, 1976).

Mr. Jacob Dumelle dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 10th day of November, 1976, by a vote of 4-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board